

18th Street
Canal Street
South Halsted Street
South Loomis Street
South Ashland Avenue

North Branch

Grand Avenue
Ohio Street
Chicago Avenue
North Halsted Street

(c) The following bridges need not be opened for the passage of vessels: The draws of the North Avenue, Cortland Street, Webster Avenue, North Ashland Avenue, Chicago and Northwestern Railroad, North Damen Avenue, and Belmont Avenue bridges across the North Branch of the Chicago River, and the draws of the North Halsted St. bridge, the Ogden Ave. bridge, the Division St. bridge and the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge across the North Branch Canal.

(d) The opening signal for all Chicago River bridges is three short blasts or by shouting, except that four short blasts is the opening signal for the Chicago and Northwestern railroad bridge near Kinzie Street and the Milwaukee Road bridge near North Avenue and five short blasts is the opening signal for the Lake Shore Bridge when approaching from the north.

(e) The emergency provisions of § 117.31 apply to the passage of all vessels and the operation of all bridges on the Chicago River.

G.F. Woolever,

*Rear Admiral, U.S. Coast Guard, Commander,
Ninth Coast Guard District.*

[FR Doc. 95-18976 Filed 7-28-95; 2:49 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL-5269-1]

Preparation, Adoption, and Submittal of State Implementation Plans; Appendix M, Test Methods 204, 204A- 204F

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to add seven methods to appendix M of 40 CFR part 51 for capture efficiency (CE) testing to assist States in adopting enforceable CE measurement protocols into their State implementation plans (SIP's) for ozone. These proposed

methods, in conjunction with the protocols, would also improve EPA's ability to enforce State regulations to reduce volatile organic compounds (VOC) emissions in ozone nonattainment areas.

DATES: *Comments.* Comments must be received on or before October 2, 1995.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by August 16, 1995, hearing will be held on August 30, 1995, beginning at 10:00 a.m. Persons interested in attending the hearing should call Ms. Betty Sorrell at (919) 541-5582 to verify that a hearing will be held.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by August 16, 1995.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to Public Docket No. A-91-70 at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center, Mail Code: 6102, 401 M Street, SW., Washington, DC 20460. The Agency requests that a separate copy also be sent to the contact person listed below. The docket is located at the above address in Room M-1500 Waterside Mall (ground floor), and may be inspected from 8:30 a.m.-12 p.m. and 1:30 p.m.-3:00 p.m., Monday through Friday. The proposed regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling 202-260-7548. A reasonable fee may be charged for copying docket materials.

Public Hearing. If anyone contacts EPA requesting a public hearing, it will be held at EPA's Emission Measurement Laboratory, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Betty Sorrell (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5582.

Docket. A Docket A-91-70, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:30 a.m.-12 p.m. and 1:30 p.m.-3:00 p.m., Monday through Friday, at the EPA's Air Docket Section Mail Code: 6102, Room M-1500, Waterside Mall (ground floor), 401 M Street, SW., Washington DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Candace Sorrell, Source Characterization Group A (MD-19), Emissions, Monitoring, and Analysis

Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-4825.

SUPPLEMENTARY INFORMATION: The proposed regulatory text of the proposed rule is not included in this **Federal Register** notice, but is available in Docket No. A-91-70 or by written or telephone request from the Air Docket (see **ADDRESSES**). If necessary, a limited number of copies of the Regulatory Text are available from the EPA contact persons designated earlier in this notice. This Notice with the proposed regulatory language is also available on the Technology Transfer Network (TTN), one of EPA's electronic bulletin boards. The TTN provides information and technology exchange in various areas of air pollution control. The service is free except for the cost of the phone call. Dial (919) 541-5742 for up to a 14400 bps modem. If more information on TTN is needed, call the HELP line at (919) 541-5384.

I. Summary

On February 10, 1995, EPA released a document entitled "Guidelines for Determining Capture Efficiency" which recommended the use of a permanent total enclosure (PTE), temporary total enclosure (TTE), or a building enclosure for determining CE. The EPA is proposing to add seven test methods, needed to carrying out the recommended protocols, to appendix M in 40 CFR part 51. The methods being proposed today can be used by States in developing CE protocols for regulated coating and printing facilities employing a VOC capture system and control device. The use of alternative methods and protocols is discussed in the guidance document mentioned above.

Each of the EPA recommended protocols relies on the use of an enclosure to contain the VOC emitted from a process. Either a gas/gas protocol (gas-phase measurements only) or a liquid/gas protocol (both liquid- and gas-phase measurements) would be considered acceptable in conjunction with the construction of a TTE around the process. The gas/gas or liquid/gas protocol could also be employed in situations where the building or room around the process meet the requirements in proposed Method 204 for a TTE.

An owner or operator installing a PTE meeting the requirements in proposed Method 204 would not be required to perform CE testing, because the CE would be assumed to be 100 percent. Testing of the destruction or removal efficiency of the control device would

still be required in order to provide a measure of the overall control efficiency of the total emission control system.

II. The Rulemaking

This rulemaking proposes to add seven methods for measuring CE to appendix M of 40 CFR part 51 to provide methods that States can use in their SIP's.

III. Administrative Requirements

A. Public Hearing

A public hearing will be held, if requested, to discuss the proposed amendment in accordance with section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the ADDRESSES section of this preamble. Oral presentations will be limited to within 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Air Docket Section address given in the ADDRESSES section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Air Docket Section in Washington, DC (see ADDRESSES section of this preamble).

B. Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify and locate documents readily so that they may effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated test method revisions and EPA responses to significant comments, the contents of the docket, except for interagency review materials, will serve as the record in case of judicial review [Section 307(d)(7)(A)].

C. Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of this Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not "significant" because none of the listed criteria apply to this action. Consequently, this action was not submitted to OMB for review under Executive Order 12866.

D. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector of \$100 million or more in any one year. Section 204 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this proposed rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than \$100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments

will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The RFA specifically requires the completion of an analysis in those instances where small business impacts are possible. This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. Because this rulemaking imposes no adverse economic impacts, an analysis has not been conducted.

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the promulgated rule will not have an impact on small entities because no additional costs will be incurred.

F. Paperwork Reduction Act

The rule does not change any information collection requirements subject of Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

G. Statutory Authority

The statutory authority for this proposal is provided by section 110 of the Clean Air Act, as amended: 42 U.S.C., 7410.

Dated: July 25, 1995.

Carol M. Browner,
The Administrator.

[FR Doc. 95-18994 Filed 8-1-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[NC72-1-6953b; FRL-5258-5]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the state implementation plan (SIP) revision submitted by the State of North Carolina for the purpose of redesignating the areas of Charlotte and Raleigh/Durham to attainment for carbon monoxide (CO). In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal